

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 556 of 2003

Dattatraya Ganpat Buruk
and Ors. ...Appellants
V/s
Laxman Balaji Medankar .. Respondent

Shri K.Y.Mandlik for Appellants
Shri V.G.Mujumdar for Respondent

CORAM:S.R.SATHE, J.

DATED:22nd June 2005

P.C.:-

1. Heard the learned Advocate for the Appellants as well as Respondent.

2. From the perusal of the judgments of the Courts below, it is very clear that the first appellate Court has taken into consideration all ingredients of Section 53A of T.P.Act and taking into consideration the existing law has rightly held that the plaintiff was all along ready and willing to perform his part of the contract. Moreover, it does appear from the record that practically entire consideration was paid.

So far as permission aspect is concerned, the lower Court has dealt with it extensively and has observed that there was no fault on the part of the plaintiff in seeking permission from concerned authority.

3. Under the circumstances, the suit filed for injunction simplicitor was held to be maintainable and decree has been passed. There is no substantial question of law involved in the matter. There is nothing to indicate that lower Court was not justified in coming to such conclusion. In this view of the matter there is no substance in this second appeal.

4. Hence the appeal is dismissed in limine.

(S.R.SATHE, J.)